

# Agenda

## Item #4



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

DRAFT

February \_\_, 2011

Hon. Nichi S. Farnham  
Hon. Michael G. Beaulieu  
Joint Standing Committee on Veterans and Legal Affairs  
2 State House Station  
Augusta, Maine 04333

Dear Sen. Farnham and Rep. Beaulieu:

This memo is intended to express concern on behalf of the Maine Commission on Governmental Ethics and Election Practices concerning an ongoing policy issue.

At its January 27, 2011 meeting, the Commission received comment from a private citizen critical of the practice of Maine Clean Election Act (MCEA) candidates raising funds for political action committees (PACs). One of the premises of the MCEA program is that participating candidates must refrain from raising money for their own campaigns in order to reduce the influence of campaign contributors in the political process. The Commissioners are concerned that the continued practice of allowing MCEA candidates to solicit unlimited contributions for PACs that they control is inconsistent with that objective of the program.

This letter is to convey to the Joint Standing Committee on Veterans and Legal Affairs that the Commission is concerned about the policy question, and would be pleased to participate in any action to address the issue during the 2011 session. In the view of the Commission, the policy question is one that would need to be addressed by the Maine Legislature, rather than by the Commission.

The Commissioners recognize that this is not an easy issue to resolve. The discussion on January 27 included a number of difficult policy questions:

- whether the perceived inconsistency is limited to MCEA candidates, or whether it extends also to traditionally financed candidates who may raise only \$350 per contributor for their legislative campaigns while receiving unlimited contributions from donors for a leadership PAC;

- whether any ban on PAC fundraising by an MCEA candidate should cover only “leadership PACs” controlled by that candidate, or whether the prohibition should cover all fundraising by that candidate for any purpose; and
- whether any prohibition on PAC fundraising should have a time limitation (*e.g.*, through the election year until the end of the First Regular Session)

If the Commission or its staff can be helpful in any way in this matter, please let Executive Director Jonathan Wayne know, and he will be in communication with the Commissioners about taking further action.

Thank you for your consideration of this issue.

Sincerely,

Walter F. McKee  
Chair